

EXHIBIT B: MARKED UP VERSION OF THE CLAIMS

Application No. 09/605,521 (Attorney Docket No. 5914-083-999)

(as elected under 37 C.F.R. § 1.142)

Matter that has been added is indicated by underlining and matter that has been [deleted] is indicated by bracketing.

8 (amended). A transgenic plant having a gene construct comprising a [gene] nucleic acid encoding a nitrogen assimilation/metabolism enzyme operably linked to a plant promoter so that the nitrogen assimilation/metabolism enzyme is ectopically overexpressed in the transgenic plant, and the transgenic plant exhibits:

- i) faster rate of growth,
- ii) greater fresh or dry weight at maturation,
- iii) greater fruit or seed yield,
- iv) greater total plant nitrogen content,
- v) greater fruit or seed nitrogen content,
- vi) greater free amino acid content in the whole plant,
- vii) greater free amino acid content in the fruit or seed,
- viii) greater protein content in seed or fruit, or
- ix) greater protein content in a vegetative tissue,

than a progenitor plant which does not contain the gene construct, when the transgenic plant and the progenitor plant are cultivated under identical nitrogen non-limiting growth conditions, wherein the nitrogen assimilation/metabolism enzyme is aspartate aminotransferase, glutamate 2-oxoglutarate aminotransferase, glutamate dehydrogenase, or asparaginase, [eukaryotic asparagine synthetase or cytosolic glutamine synthetase].

14 (amended). A seed of the transgenic plant of any one of claims [8-13] 8, 9, or 10, wherein the seed has the gene construct.

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15 (amended). A progeny, clone, cell line or cell of the transgenic plant of any one claims [8-13] 8, 9, or 10, wherein said progeny, clone, cell line or cell has the gene construct.